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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,522	06/08/2001	Robert D. Bushey	10010240-1	1432

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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HARRELL, ROBERT B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/877,522

Applicant(s)

BUSHEY ET AL.

Examiner

Robert B. Harrell

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)       |
| Paper No(s)/Mail Date <u>20030414</u> .  | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> . |

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1. Claims 1-20 are presented for examination.
2. The Oath or Declaration, of record, is defective as it is not signed by the inventors. However, Office records indicates activities on, or about, 10/19/2001 which made the application complete. Since United States Applications have gone through an Image File Wrapper (IFW) process (applications are scanned for ease of computerized image retrieval), examiner assumes there was submitted by the applicants a new Oath or Declaration which was inadvertently separated during the IFW process. Therefore, a copy of the new Oath or Declaration properly executed is required in response to this office action.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, and clarity of meaning in the Specification, Drawings, and specifically claims (i.e., in claim 1 (line 2) "communication" should read as -in communication-, "adopted" should be -adapted- in claim 9 (line 4), "the means" of claim 10 (line 1) should be -means- (delete "the", or correct claim 9 accordingly), and other such minor like errors that do not rise to the level warranting an objection and/or rejection(s) as the meaning of the claim(s) (is)are fully understandable by a reasonable person). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
- 5 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

6 Claims 1-20 are rejected under 35 U.S.C. 102 (e) as being anticipated by McCannon et al. (US 6,607,314 B1).

7. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements,

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figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature as the whole of the reference is cited and relied upon in this action.

8. Per claim 1, McCannon taught an appliance (e.g., see figure 1 (PRINTER 10)) configured for connection to a network (e.g., see figure 1 (44)) and in communication with a device (e.g., see figure 1 (30 and/or 40+42 and/or 46)) connected to the network, the appliance comprising:

a) a processing device (e.g., see figure 1 (14)) configured to control operation of the appliance (e.g., see col. 5 (lines 5-10; line 5 "control"));

b) memory ((e.g., see figure 1 (16) and col. 5 (line 8 "memory")) including logic configured to receive software (e.g., see col. 4 (lines 60-61 "device driver"), and col. 5 (line 7 "driver routines")) that facilitates communication between the appliance and the device from a software source (e.g., see figure 1 (46) and see col. 29-40)); and

c) a network interface device (e.g., see figure 1 (12) and col. 5 (line 29 "interface")) with which the appliance communicates with the software source (e.g., see col. 5 (lines 27-40)).

9. Per claims 2 and 3, see col. 3 (lines 21-30). It is noted that claim 1 above, recites "logic". Such is broad enough to reasonably interpret either software logic, hardware logic, or combination since the two are logical equivalent. Thus the routine in the memory performing the actions outline in this reference (for example col. 3 (lines 21-30)) was such logic.

10. Per claim 4, see figure 2 (116 (at bottom of sheet)).

11. Per claim 5, see col. 6 (line 67 "search engine") and col. 7 (line 16 "searching"). As for "periodically", claimed in claim 5, the process is repeated per col. 5 (line 59) and thus a temporal order as further provided in figure 3 and col. 7 (lines 20-49).

12. Per claim 6, see figure 2 (106 in the center decision diamond) and col. 7 (line 3).

13. Per claim 7, such is the very nature of "driver" as covered in col. 1 (line 12-37).

14. Per claim 8, see figure 1 (20 "IMAGE")).

15. Per claim 9, McCannon taught an appliance (e.g., see figure 1 (PRINTER 10)) configured for direct connection to a network (e.g., see figure 1 (44)) and in communication with a device (e.g., see figure 1 (30 and/or 40+42 and/or 46)) connected to the network, the appliance comprising:

a) a processing device (e.g., see figure 1 (14)) configured to control operation of the appliance (e.g., see col. 5 (lines 5-10; line 5 "control"));

b) acquisition module ((e.g., see figure 1 (16) and col. 5 (line 8 "memory")) [adapted] to receive software (e.g., see col. 4 (lines 60-61 "device driver"), and col. 5 (line 7 "driver routines")) that

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*facilitates communication between the appliance and the device from a software source (e.g., see figure 1 (46) and see col. 29-40)); and c) a network interface device (e.g., see figure 1 (12) and col. 5 (line 29 "interface")) with which the appliance communicates with the software source (e.g., see col. 5 (lines 27-40)).*

16. Per claim 10, see col. 3 (lines 21-30).

17. Per claim 11, see figure 2 (116 (at bottom of sheet)).

18. Per claim 12, see col. 6 (line 67 "search engine") and col. 7 (line 16 "searching"). As for "periodically", claimed in claim 5, the process is repeated per col. 5 (line 59) and thus a temporal order as further provided in figure 3 and col. 7 (lines 20-49).

19. Per claim 13, see figure 2 (106 in the center decision diamond) and col. 7 (line 3).

20. Per claim 14, see figure 1 (20 "IMAGE")).

21. Per claim 15, the printer also serves as a storage unit per col. 6 (lines 15-19).

22. Per claims 16-20, such a method does not teach or define above the correspondingly rejected claims and were shown above and clearly anticipated by the reference in which the appliance was the printer and were any of the remaining device on the network was the claimed separate device.

23. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (703) 308-9705. The fax phone number for all papers is (703) 872-9306.

26. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL  
PRIMARY EXAMINER  
GROUP 2142